

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DAVID WHITMORE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. CIV-10-430-M
	)	
LT. JONES, et al.,	)	
	)	
Defendants.	)	

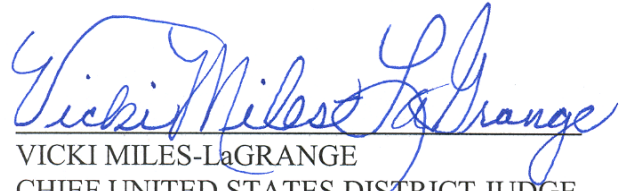
**ORDER**

On April 29, 2009, United States Magistrate Judge Valerie K. Couch issued a Report and Recommendation in this action brought pursuant to 42 U.S.C. § 1983. The Magistrate Judge recommended that defendants' Motion to Dismiss/Motion for Summary Judgment, construed as a motion for summary judgment, be granted based on plaintiff's failure to exhaust his administrative remedies. The Magistrate Judge further recommended that plaintiff's complaint be dismissed with prejudice. Plaintiff was ultimately given until June 9, 2011 to file any objections to the Report and Recommendation. Plaintiff's objection was filed on June 8, 2011.

Accordingly, upon de novo review, the Court:

- (1) ADOPTS the Report and Recommendation issued by the Magistrate Judge on April 29, 2011;
- (2) GRANTS defendants' Motion to Dismiss/Motion for Summary Judgment [docket no. 21];
- (3) FINDS plaintiff's Motion for Appointment of Counsel [docket no. 28]; Motion for Temporary Injunction and Preliminary Injunction [docket no. 29] and defendants' Motion for Protective Order [docket no. 34] are now MOOT; and
- (4) ORDERS that judgment issue forthwith in favor of defendants and against plaintiff.

**IT IS SO ORDERED this 17th day of June, 2011.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE